

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 23, 2004
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas and Anthony W. Cobos. Late arrivals: Susan Austin at 9:09 a.m. and Paul J. Escobar at 9:11 a.m. Absent: Robert A. Cushing, Jr. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

RECOGNITION

1. Recognition of TxDOT for the work performed on the Paisano Rehabilitation Project and its delivery before schedule. This is an example of goodwill between City and State which benefits visitors to and the citizens of El Paso.

[Representative Jose Alexandro Lozano, (915) 541-4515 and Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

Representatives Cobos and Lozano each presented a token of their appreciation to Mr. Chuck Berry, Jr., P.E., District Engineer for the Texas Department of Transportation (TxDOT), and commended TxDOT for completing the downtown and other TxDOT projects in a timely manner.

Mr. Berry thanked the Council Members for the recognition and commended TxDOT employees and others associated with TxDOT projects for their efforts in completing those projects in a timely manner.

Mayor Joe Wardy stated, for the record, that the number of TxDOT funds had grown from \$12 million, 10 years ago, to \$200 million in 2006. He noted that Mr. Berry was the first El Pasoan to be designated District Engineer for TxDOT's El Paso District.

Representative Ortega commented.

Mr. Michael E. Breiting, Executive Director for the El Paso Central Business Association and El Paso Downtown Management District, commented.

2. Recognition of Representative Jose Alexandro Lozano and his efforts at improving our community with the development of Phoenix Parkway as well as working with the Bel Air Optimists on these efforts. [Gilbert Diaz, Bel Air Optimist]

Mr. Jose Guzman, Bel Air Optimist representative, appeared on behalf of Mr. Gilbert Diaz and commented.

Representative Lozano commented on the Phoenix Parkway project.

NO ACTION WAS TAKEN regarding the V. F. Jeanswear layoff workforce problems.

Mr. Guillermo Glenn, V. F. Jeanswear representative, commented on V. F. Jeanswear layoff workforce problems and responded to questions and/or comments of the Council Members.

Mayor Joe Wardy and Representatives Cobos, Lozano, Rojas, Ortega, Austin, and Cook commented.

Mr. David Dobson, Director of Economic Development, commented.

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Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to **RECESS** the City Council Meeting to discuss the Mass Transit Board Meeting at 9:42 a.m.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 10:08 a.m.

.....
Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE**, as revised, all matters listed under the **CONSENT AGENDA** unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of November 16, 2004 and the Special City Council Meeting of November 16, 2004.

Representative Escobar was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **RECONSIDER THE REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **EXCUSE** Representative Robert A. Cushing, Jr. from the November 23, 2004, Regular City Council meeting.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of June, 2004, after due notice and hearing, ordered JUANA G. DELGADO, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Tract 10-C-11, Block 46, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 231 Lolita Place,

to be \$1,490.26, performed by the Street Department of the City of El Paso, \$750.25 incurred by the City Attorney's Office and City Clerk's Office in providing notice and obtaining title reports for a sum of \$2,240.51. The City Council finds that the work was completed on the 19th day of October, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND TWO HUNDRED FORTY and 51/XX DOLLARS (\$2,240.51) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of April, 2003, after due notice and hearing, ordered EVA SELMA PICKENS a/k/a EVA S. KELLY, record Owner of the hereinafter described property that the Building be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of re-securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The West ½ of Lot 29 and all of Lot 30, Block 67, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, more particularly described as 2506 Copper Avenue, El Paso, Texas,

to be \$364.88, performed by the Street Department of the City of El Paso. The City Council finds that the work was completed on the 8th day of December, 2003, re-secured on February 23, 2004, and re-secured on September 27, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of THREE HUNDRED SIXTY-FOUR AND 88/XX DOLLARS (\$364.88) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign **Contract No. 582-5-55865** with the Texas Commission on Environmental Quality (TCEQ) and related materials, on behalf of the El Paso City-County Health and Environmental District (EPCCHED), as related to the operation and maintenance of monitoring activities for four (4) FRM Samplers (PM 2.5) from September 1, 2004 to August 31, 2005 for the continued operation of an Air Monitoring Program in the City of El Paso. The TCEQ is to provide SEVENTY-TWO THOUSAND AND 00/100 DOLLARS (\$72,000.00) for the first year of this Agreement. There is no cost to the City-County Health and Environmental District.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign **Contract No. 582-5-55886**, El Paso Border Air Monitoring Agreement with the Texas Commission on Environmental Quality (TCEQ) and all related documentation on behalf of the El Paso City-County Health and Environmental District (EPCCHED). Under this agreement, EPCCHED will operate and maintain a continuous air monitoring station at 5050 Yvette, El Paso, Texas and a non-continuous PM 10 monitor at 201 S. Nevarez, Socorro, Texas from September 1, 2004 to August 31, 2005. The TCEQ is to provide THIRTY-THREE THOUSAND AND 00/100 DOLLARS (\$33,000.00) for the first year of this agreement. There is no cost to the City County Health and Environmental District.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign on behalf of the El Paso City-County Health and Environmental District, the following contract amendment and renewal, and related materials, with the Texas Department of Health:

Tuberculosis Elimination - Prevention and Control
Document No. 7460007499-2005, Attachment No. 7
.....

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Legal Secretary** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **1831**. The Grade is **GS 21**.

Representative Cook asked questions of Ms. Terry A. Bond, Director of Human Resources, and Ms. Lisa A. Elizondo, City Attorney.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of historical photos covering the Middle Eastern Part of Asia entitled "The Holy Land" at the Clardy Fox Branch of the El Paso Public Library System for the period of December 1 through 31, 2004. This exhibition is at no cost to the City.

Representative Lozano encouraged the public to go see the exhibit and complimented the artist's work.

Mr. Jim Przepasnick, Main Library Administrator, commented.

Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

WHEREAS, Candlelighters of El Paso has approached the El Paso County, Texas Commissioners Court with the desire to create a Cancer Survivors Park on the site of the former Landmark Building, which is currently owned by the County of El Paso; and

WHEREAS, the El Paso County Commissioners Court has expressed a desire to participate in the creation of such a park on the identified site; and

WHEREAS, pursuant to a September 20, 2004 County Commissioners' Order, it is the intent of the El Paso County Commissioners Court to contribute the property for the park conditioned upon:

- 1) The City of El Paso's written agreement to accept title to the property for use as a public park, or
- 2) The City of El Paso's execution of an interlocal agreement to operate and maintain the property as a public park, with a provision for acceptance of liability for the park and its operation, for a period of 20 years, and written agreement with the Candlelighters of El Paso or the City of El Paso to build the park and construct park improvements without capital contribution from the County of El Paso, Texas, other than the real property within an identified period of time. And, that Candlelighters of El Paso or the City of El Paso, with the County of El Paso's permission, may seek grant funding for this purpose, and

WHEREAS, Candlelighters of El Paso desires the City of El Paso's consideration and commitment to the creation of a Cancer Survivors Park,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the City Manager, subject to the appropriate land acquisition procedures, be authorized to enter negotiations with the County of El Paso for the conveyance or lease of the site of the former Landmark Building as a Cancer Survivors Park, subject to Candlelighters of El Paso securing adequate funding to construct a park facility at the identified site, and that the City Manager to enter into negotiations and an agreement with Candlelighters of El Paso that Candlelighters of El Paso will apply and secure sufficient funds to construct a Cancer Survivors Park, the construction plans of the proposed park to be subject to the City's approval and the City's election to maintain the park facility, if the City accepts the real property from the County of El Paso.

Ms. Joyce Wilson, City Manager, and Ms. Terri Cullen-Garney, Deputy City Attorney, commented and responded to questions of the Council Members.

Dr. Norman Merrifield, Director of Parks & Recreation, read the revised resolution language into the record and responded to questions of the Council Members.

Mayor Joe Wardy and Representatives Cook, Austin, Cobos, Escobar, Lozano, and Rojas commented.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution with the **REVISIONS** as stated into the record and filed with the City Clerk.

***R E S O L U T I O N**

WHEREAS, the City annually participates in decorating the San Jacinto Plaza in celebration of various holidays occurring during the month of December; and

WHEREAS, decorating the Plaza and celebrating the festivities of various holidays and recognizing special cultural activities that occur during the month of December unites the citizens of El Paso through the shared celebrations; and

WHEREAS, the conducting of the 13th Annual Downtown Posada Festival is one part of the celebration of the various holidays occurring during the month of December and, further, the Festival will promote cultural and entertainment activities within the City, thus benefiting the citizens of El Paso; and

WHEREAS, the City Council finds that the Downtown Posada Festival embraces a tradition that has become a popular celebration enjoyed by many people and it includes many aspects of traditional December festivities within the cultural heritage of many persons living in El Paso, including singing, dancing, the breaking of the piñata, and the partaking of special holiday foods, gathered in a family environment and conducted for entertainment purposes; and

WHEREAS, the presentation of festivals in Downtown El Paso encourages persons to come Downtown, which benefits the City and Downtown revitalization efforts.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the City of El Paso and the Central Business Association relating to the 13th Annual Downtown Posada Festival and related entertainment and cultural activities in San Jacinto Plaza on December 16, 2004, and that Representative Anthony Cobos is authorized to allocate a portion of District 8 Discretionary Funds in the amount of Five Hundred and No/100 Dollars (\$500.00) for the funding required in the Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **MORRIS ARCHITECTS**, for a project known as "**Zoo Western Expansion**", at no additional cost to the City of El Paso.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request for the following names to be placed on the **REINSTATEMENT LIST** in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Carrillo, Hector – Labor Foreman I
- B. Owens, Cedric – Coach Operator

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the following **PROVISIONAL APPOINTMENTS** in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Community Development Grants and Program Administrator (1)
- B. Messenger I (1)
- C. Recreation Program Supervisor (1)
- D. Street Operations Supervisor (1)
- E. Tax Deputy Administrator (1)

Representative Escobar was not present for the vote.
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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the Staffing Table Change for **BUILDING PERMITS AND INSPECTIONS**

Add	1.00	Mechanical Engineer Associate II	PM 78
Delete	1.00	Mechanical Plan Reviewer	GS 26

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the Staffing Table Change for **CITY ATTORNEY**

Add	9.00	Legal Secretary	GS 21
Delete	9.00	Secretary III	GS 19

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the Staffing Table Change for **LIBRARY**

Delete	1.00	Outreach Services Librarian I	PM 73
Add	1.00	Public Services Librarian I	PM 73

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the Staffing Table Change for **METROPOLITAN PLANNING ORGANIZATION**

Add	1.00	Contract Paraprofessional Co-Op Education (Non-Exempt)	C
Add	.50	Transportation Planner II	PM 78

Representative Escobar was not present for the vote.

NOTE: The request was **revised**.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **REMOVE** Viviana Contreras from the Arts and Culture Advisory Board for the reason of three or more consecutive absences in accordance with the provisions of Section 2.04.010 of the Municipal Code.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Eileen Karlsuher to the Parks and Recreation Advisory Board by Mayor Joe Wardy.

Representative Escobar was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **RE-APPOINT** Yolanda Cordova to the Parks and Recreation Advisory Board by Mayor Joe Wardy.

Representative Escobar was not present for the vote.

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Motion made by Representative Ortega, seconded by Representative Rojas and unanimously carried to **APPROVE** installation, power, and maintenance of residential street lights at the following locations:

A.	10912B Sage Brush Way	\$1,200
B.	Bermuda @Album	\$ 899
C.	10964 & 10966 Pelhem	\$1,200
D.	10927 & 10929 Pelhem	\$1,200
E.	3512B & 3508A Blue Grove @ Highwood	\$1,200
F.	3539B & 3535 Blue Grove	<u>\$1,200</u>
		\$6,899.00

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **MOVE TO THE REGULAR AGENDA** the request that the Director of Purchasing be authorized to issue a Purchase Order(s) to FATS Inc., in the amount of \$48,172.50. FATS Inc. is the sole manufacturer of the FATS System, its Improvements, Maintenance and Enhancements for the training simulator for officers. Contract period November 23, 2004 through November 22, 2005 an/or any extension thereof.

Award amount is \$48,172.50
Funds available in: 04250201-27203-508007 Project PMB0002130
Certificate of Obligation FY01 – Public Safety Equipment

Department: Police

There was no discussion.

Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried to approve the request that the Director of Purchasing be authorized to issue a Purchase Order(s) to FATS Inc., in the amount of \$48,172.50. FATS Inc. is the sole manufacturer of the FATS System, its Improvements, Maintenance and Enhancements for the training simulator for officers. Contract period November 23, 2004 through November 22, 2005 an/or any extension thereof.

Award amount is \$48,172.50
Funds available in: 04250201-27203-508007 Project PMB0002130
Certificate of Obligation FY01 – Public Safety Equipment

Department: Police

Representative Cobos was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **AWARD** Solicitation No. 2004-236 Furnish & Install Snow Plows on Trucks

Award to: Fabco Industries, Inc.
Odessa, TX
Item (s): 1 and O1
Amount: \$35,522.00

Department: Department of Aviation
Funds available: 62620020-508006-P500004
Funding source: Airport Capital Funds
Total award: \$35,522.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the sole responsive offer that was received.

This is a fixed-price, single (one-time) purchase, for a Furnish & Install Snow Plows on Trucks.

No option was offered to purchase additional quantity of items. No prompt payment discount is offered.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to
AWARD Solicitation No. 2004-260 Extinguishing Unit, Skid Mounted Twin Agent

Award to: Crash Rescue Equipment Service, Inc.
Dallas, TX
Item (s): 1, T-1 and T-2
Amount: \$45,400.00
-45,400.00 Less trade-in allowance
\$ 0.00

Department: Department of Aviation
Funds available: 62620020-508006-P500004
Funding source: Airport Capital Funds
Total award: \$45,400.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the sole responsive offer that was received.

This is a fixed-price, single (one-time) purchase, for a Skid-Mounted Twin Agent Extinguishing Unit.

There was an option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within 3, 6 or 10 months from date of award of the contract. No prompt payment discount is offered.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to
APPROVE budget transfer BT2005-151 AIRPORT
This budget transfer replaces the funding needed to order uniforms for FY 2005 due to payment of previous year invoices.

Increase	\$26,000	to	62620001/40101/503120	Uniforms
Increase	\$20,000	to	62620005/40101/503120	Uniforms
Increase	\$46,000	to	62620001/40101/407001	Intfd Trf In
Increase	\$46,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$46,000	to	62620018/P50000241021/507001	Intfd Trf Out

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to
APPROVE the request of Jesus & Mary Church to hold a religious procession and mass on December 12, 2004 from 7:00 a.m. to 11:00 a.m. Route for procession: Start 1401 W. Yandell, turn left on Mundy to Heisig, turn right on Heisig to Prospect, turn left on Prospect to Schuster, turn right on Schuster to Oregon, turn right on Oregon to Rio Grande, turn right on Rio Grande to Mundy, turn right on Mundy to Porfirio Diaz, turn right on Porfirio Diaz and finish at Mundy Park. Mass will be held at Mundy Park-500 Porfirio Diaz. Approximately 200 persons and 2 vehicles will take part. This request includes permission to use amplification (2 speakers on TRUCK). PERMIT#: 04-152 [F. J. Timothy Pfeiffer]
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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of Our Lady of Guadalupe Church to hold a pilgrimage/walk on December 11, 2004 from 4:30 a.m. to 6:00 a.m. Route: Start at 4601 Hastings to Marr, turn right on Marr to Altura, turn left on Altura to Alabama, turn right on Alabama to Nashville, turn left on Nashville and finish at Our Lady of Guadalupe Church-2709 Alabama. Approximately 200 persons will take part. PERMIT#:04-153 [Eva Aguilar]

*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of Gloria Tarango to block off 4500 block of Vulcan on December 18, 2004 from 5:00 p.m. to 7:00 p.m. for a block party (matachines). Approximately 15 persons will take part and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT#: 04-155 [Gloria Tarango]

*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request of V. F. Workers Committee to hold a protest on November 23, 2004 from 11:00 a.m. to 4:00 p.m. at the corner of S. El Paso and San Antonio. This request is for sidewalk use only. Approximately 35 persons will take part with no spectators anticipated. PERMIT#: 04-158 [Guillermo Glenn]

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas was not present for the vote.

An Ordinance Amending Sections of Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments) of the El Paso Municipal Code. The Penalty for Violation not to exceed Two-thousand Dollars (\$2,000.00) per day per violation as provided in Section 9.12.890 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 7, 2004

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NO ACTION WAS TAKEN on the discussion and action on compliance with Section 2.102.030B of Chapter 2.102 of the El Paso Municipal Code (Neighborhood Association Recognition).

Representative Cobos made comments addressing Neighborhood Associations and compliance with Section 2.102.030B of Chapter 2.102 of the El Paso Municipal Code.

Mayor Joe Wardy and Representatives Rojas, Cook, and Austin, commented.

The following City staff members spoke:

- Mr. Mark Alvarado, Neighborhood Initiative Liaison, commented.
- Mr. John Nance, Assistant City Attorney, provided legal advice.

The following individuals spoke:

1. Mr. Alberto Rivas, President, Five Points Neighborhood Association; and
2. Mr. Michael Bray, Greater El Paso Association of Realtors.

The following individuals requested additional information:

1. Mr. James Erickson, Director, Five Points Neighborhood Association;
2. Ms. Alisa Jorgensen, Save the Valley Neighborhood Association;
3. Ms. Susy Vega, Treasurer, Five Points Neighborhood Association;
4. Mr. Stuart Mitchell, President, Mountain Arroyos Neighborhood Association;
5. Mr. Charlie Wakeem, President, Coronado Neighborhood Association; and

Representative Cobos moved to direct Neighborhoods First to request information from all 52 Neighborhood Association groups regarding their compliance with Section 2.102.030B of Chapter 2.102 of the El Paso Municipal Code. There was no second to the motion.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on the proposed 2005 City of El Paso Legislative Priorities.

Mayor Joe Wardy explained that the 2005 legislature session would commence January, 2006, and requested Ms. Laura Uribarri, Executive Assistant to the Mayor, explain the 2005 City of El Paso Legislative Priorities.

Ms. Uribarri read into the record the 2005 City of El Paso Legislative Priorities and responded to questions and/or comments of the Council Members.

Mayor Joe Wardy and Representatives Escobar, Cook, Cobos, Rojas, Ortega, Lozano, and Austin commented.

The following City staff members commented:

1. Ms. Terri Cullen-Garney, Deputy City Attorney;
2. Ms. Elaine Hengen, Assistant City Attorney; and
3. Assistant Police Chief Paul Cross.

Mr. Stuart Mitchell, citizen, commented.

RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

WHEREAS, the selection of a construction contractor for the McKelligon Canyon Park Improvements, Solicitation No. 2004-214, shall be accomplished through the use of the Competitive Sealed Proposal Method; and

WHEREAS, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

WHEREAS, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

WHEREAS, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45th day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

WHEREAS, the City selects F. T. James Construction, Inc. as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City has successfully negotiated a contract with F. T. James Construction, Inc. and has, along with the Architect, discussed with F. T. James Construction, Inc. options for a scope or time modification and price change associated with the modification.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso hereby awards Solicitation Bid No. 2004-214, Mc Kelligon Canyon Park Improvements to F. T. James Construction, Inc. in the amount of \$1,729,500.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

THAT the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, Purchasing, and the City Attorney; and

THAT, the Mayor be authorized to execute budget transfers for this award and project as necessary; and

THAT the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 25% of the original contract price as awarded, without further authorization by City Council.

Mayor Joe Wardy and Representative Cook commented.

Ms. Joyce Wilson, City Manager, and Dr. Norman Merrifield, Director of Parks & Recreation, commented.

Mr. Juan Contreras, Perspectiva + 3 D/I, commented.

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

Representative Cobos was not present for the vote.

.....
Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to **AWARD** Solicitation No. 2005-001 Park Improvements Citywide

Contractor:	Blair-Hall Co., Inc. El Paso, Texas
Department:	Parks and Recreation
Funds Available:	14101001-PQLPA181-60181-508027
Funding Source:	2000 Quality of Life Bonds
Items:	Base Bid \$1,374,000.00
	Alternate #1A \$ 7,100.00
	Alternate #1B \$ 30,700.00

Alternate #2A	\$ 800.00
Alternate #2B	\$ 19,800.00
Alternate #2C	\$ 13,000.00
Alternate #3A	\$ 6,700.00
Alternate #3B	\$ 32,100.00
Alternate #4A	\$ 14,900.00
Alternate #4B	\$ 13,800.00
Alternate #4C	\$ 13,800.00
Alternate #5	\$ 78,400.00
Alternate #6	\$ 15,500.00

Total Award: \$1,620,600.00

RECOMMENDATION:

The Departments of Purchasing and Parks and Recreation, and Project Manager, Perspectiva3/DI, recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Mr. Juan Contreras, Perspectiva + 3 D/I, commented.

Ms. Joyce Wilson, City Manager, commented.

Mayor Joe Wardy and Representatives Ortega, Cook, Rojas, and Austin commented.

.....
 *Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **DELETE** an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso Municipal Code, to add a Subsection identifying the Speed Limit as Thirty-Five Miles per Hour on Resler Drive Between Black Ridge Drive and Luz De Camino Way. The Penalty is as Provided In Section 12.84.010 of the El Paso Municipal Code.

ORDINANCE 15939

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH 12.88.040 (H) (NO PARKING, 7:00 A.M. TO 5:00 P.M.) TO REVISE AN EXISTING LOCATION TO READ AS FOLLOWS: ROSWELL STREET, FROM A POINT 257 FEET SOUTH OF GATEWAY EAST BOULEVARD TO A POINT 405 FEET SOUTH OF GATEWAY EAST BOULEVARD, WESTSIDE ONLY. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for pubic comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cushing

Council Members Austin and Ortega were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 15940

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD ZONE I: NO PARKING ANYTIME, ON VIRGINIA STREET, WEST SIDE, BETWEEN SCHUSTER AVENUE AND CLIFF DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION--PENALTY) OF THE EL PASO MUNICIPAL CODE.**

Ms. Lourdes Cardenas, Engineering Department, Traffic Division, commented.

Representatives Austin, Cobos, and Rojas commented.

The following members of the public spoke in favor of restricting parking in residential districts:

1. Ms. Jessie Williams, citizen; and
2. Father Paul, citizen;

The following member of the public spoke in opposition to restricting parking in residential districts:

1. Mr. Luis Lujan, citizen.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cushing

Council Member Ortega was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** an Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restriction On Parking In Residential Districts), Of The El Paso Municipal Code, To Add Zone J: No Parking Anytime, on Crosby Avenue, Both Sides, Between Virginia Street and Ochoa Street. The Penalty Being as Provided in Section 12.84.010 (Violation--Penalty) of The El Paso Municipal Code.

Ms. Lourdes Cardenas, Engineering Department, Traffic Division, commented.

Representative Cobos commented.

The following member of the public spoke in favor of restricting parking in residential districts:

1. Ms. Jessie Williams, citizen, read into the record a prepared statement by Mr. Ralph McCullen.

The following member of the public spoke in opposition of restricting parking in residential districts:

1. Mr. Luis Lujan, citizen.

.....
*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **DELETE** an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Amend Subsection "G" To identify the Speed Limit As Forty Miles Per Hour on Resler Drive, From Royal Arms Drive to Black Ridge Drive and From Luz De Camino to Helen Of Troy Drive. The Penalty Is As Provided In Section 12.84.010 Of The El Paso Municipal Code.
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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance amending Title 15 (Public Services), by amending Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), of the El Paso Municipal Code to allow for banner programs in the Downtown Area or other areas; the penalty being as provided in Section 1.08 of the El Paso Municipal Code.
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ORDINANCE 15941

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCKS 161 AND 187, ALL OF BLOCK 162, AND THE VACATED STREETS AND ALLEYS INCLUDED THEREIN, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) AND A-3 (APARTMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) recommended unanimous approval. He noted that there was no opposition to the zoning change request.

Representative Austin commented.

Ms. Risher Gilbert, attorney representing the applicant, was present to answer questions of the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cushing

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance granting Special Permit No. ZON04-00113, to allow for a planned residential development on a Portion of Tract 1A, S.J. Larkin Survey #265, and all of Tracts 1B, 2C and 4M, S.J. Larkin Survey #265, El Paso, El Paso County, Texas (South of Bear Ridge Drive and East of Desert Canyon Road) Pursuant to Section 20.12.040 and 20.22.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Acro Developers II Limited Partnership.

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ORDINANCE 15942

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00129, TO ALLOW FOR A PUBLIC OR GOVERNMENTAL USE ON LAFAYETTE TRACT 1, EL PASO, EL PASO COUNTY, TEXAS (7901 SAN JOSE ROAD) PURSUANT TO SECTION 20.22.040. THE PENALTY IS AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) recommended approval. He noted that there was no opposition to the zoning change request.

Representative Rojas commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Cushing

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 12:58 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk